

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.12 and 307A.2, the Iowa Department of Transportation, on March 14, 2017, adopted amendments to Chapter 4, “Public Records and Fair Information Practices,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the February 1, 2017, Iowa Administrative Bulletin as **ARC 2922C**.

These amendments:

- Change “citizens’ aide” to “ombudsman” to reflect current Iowa Code language.
- Add a new subrule concerning the confidentiality of the Department’s records relating to security, emergency preparedness or disaster recovery. This new subrule is needed to comply with Iowa Code section 22.7(50)“b.”

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 22.7(50)“b.”

These amendments will become effective May 17, 2017.

The following amendments are adopted.

ITEM 1. Amend paragraph **4.4(2)“b”** as follows:

b. To the ~~citizens’ aide~~ ombudsman pursuant to Iowa Code section 2C.9.

ITEM 2. Renumber subrule **4.9(23)** as **4.9(24)**.

ITEM 3. Adopt the following new subrule 4.9(23):

**4.9(23)** Records which contain information concerning security procedures, emergency preparedness, or disaster recovery related to the protection of property, facilities, and transportation infrastructure controlled, occupied, or owned by the department; employees of the department; visitors to the department’s facilities or offices; other persons on premises controlled or owned by the department; or information concerning security procedures, emergency preparedness, or disaster recovery related to persons or property owned by or under the control of another governmental agency or private entity if that information was obtained by the department in relation to planning for emergencies or developing security procedures. Records under this subrule include, but are not limited to, all that contain information relating to vulnerability or risk assessments; security measures, such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information that, if disclosed, could significantly increase the vulnerability to attack of critical physical systems, infrastructures, or transportation critical assets, including information technology networks and systems. (Iowa Code section 22.7(50))

[Filed 3/14/17, effective 5/17/17]

[Published 4/12/17]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/12/17.